



# CITY OF DULUTH

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 16-128	Contact	Chris Lee	
Type	Side Yard Setback Variance	Planning Commission Date		November 15, 2016
Deadline for Action	Application Date	October 17, 2016	60 Days	December 16, 2016
	Date Extension Letter Mailed	October31, 2016	120 Days	January 14, 2017
Location of Subject		1130 N 47 <sup>th</sup> Ave E		
Applicant	Daniel Christenson	Contact	N/A	
Agent	N/A	Contact	N/A	
Legal Description		NLY 55 FT OF LOTS 1 AND 2 OF BLOCK 097 LONDON ADDITION TO DULUTH		
Site Visit Date	October 27, 2016	Sign Notice Date		November 1, 2016
Neighbor Letter Date	October 31, 2016	Number of Letters Sent		30

## Proposal

The applicant is seeking a variance from the side yard setbacks to rebuild a 26' x 24' garage that would be 5' from lot line instead of the 20' required for a corner lot in an R-1 district.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Single Family Residential	Traditional Neighborhood
<b>North</b>	R-1	Single Family Residential	Traditional Neighborhood
<b>South</b>	R-1	Single Family Residential	Traditional Neighborhood
<b>East</b>	R-1	Single Family Residential	Traditional Neighborhood/Preservation
<b>West</b>	R-1	Single Family Residential	Traditional Neighborhood

## Summary of Code Requirements

Sec. 50-14.5 – Setbacks in an R-1: maintain a 20' setback from the side yard (for corner lots) for detached accessory buildings.

Sec. 50-37.9.C – General Variance Criteria (paraphrased): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

Sec. 50-37.9.H – Standards for Variances to reduce setbacks: When the application is for the reduction of a required front, rear or side yard setback, the commission may require the submission of a landscaping and buffering plan, and may require that all required landscaping or buffering, or landscaping and buffering of equal effectiveness, be installed within the reduced setback area. Decorative fencing and decorative wall structures may be proposed where more intense vegetated landscaping will not provide adequate mitigation of impacts on adjacent properties. The commission shall only approve the variance if the landscaping and buffering will mitigate impacts on adjacent properties as effectively as those required by Sections 50-25 and 50-26 of this Chapter;

**Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):****Principle #5 – Strengthen Neighborhoods**

Future Land Use – Preservation: Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls.

Future Land Use – Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

**Review and Discussion Items**

Staff finds that:

1. The applicant is requesting that the new garage be built directly onto the slab that the existing garage is built on. The existing garage is dilapidated and at risk of collapsing
2. The corner lot setbacks and building code requirements contribute to practical difficulty.
3. When looking to rebuild the garage the applicants identified the side yard as the only option to build a 26' x 24' detached garage that would meet their needs. Owning a garage is a reasonable use in the R-1 district and is consistent with the comprehensive plan.
4. The lot is 50' wide and 100' deep. According to St. Louis County records, the home was built in 1923 with a gross area of 1,000 square feet across two floors. The garage was built in 1973 and is 576 square feet.
5. In looking at the character of the neighborhood, the majority of homes have garages, and most located behind the house. By choosing to rebuild their garage on the existing slab, they will not be altering the essential character of the neighborhood.
6. The applicant is proposing the use the property in a reasonable manner; the new garage will be rebuilt on the old garage slab will not be any larger than what currently exists.
7. The relief, if granted will not diminish or impair an adequate supply of light and air to the surrounding properties.
8. With a variance the Planning Commission may require a landscape or buffering to reduce potential impacts use conflicts. The applicant has identified that he will be planting shrubs as a buffer between the garage and the street. With this application, staff is not recommending the Planning Commission require additional screening or buffering (such as shrubbery or fencing).
9. No public, agency, or City comments have been received.
10. Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within one year.

**Staff Recommendation**

Based on the above findings, Staff recommends that Planning Commission approve the variance, subject to the following conditions:

1. The project be limited to, constructed, and maintained according to the site map and mitigation plan submitted with this application.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.





PL 16-128: Variance  
1130 N 47th Ave

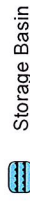
### Legend

#### Water Distribution System

- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe

#### Sanitary Sewer Collection System

- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main

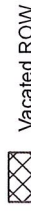


#### Gas Distribution Main

- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes

#### Storm Sewer Collection System

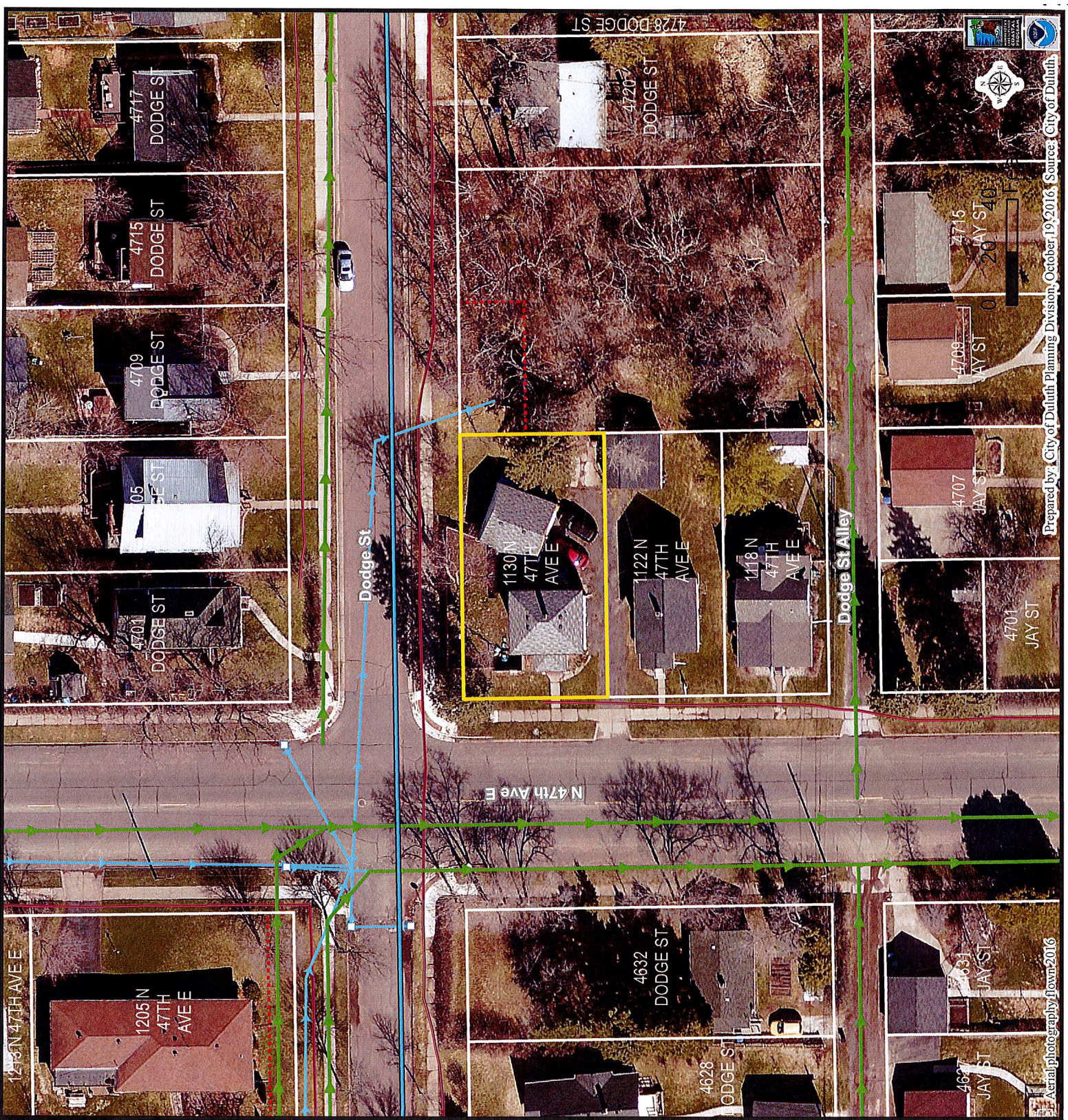
- Storm Sewer Pipe
- Storm Sewer Catch Basin



#### Easement Type

- Utility Easement
- Other Easement

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# City Planning

PL 16-128: Variance  
1130 N 47th Ave

## Legend

-  Vacated ROW
-  Easement Type
-  Utility Easement
-  Other Easement



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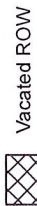




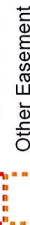
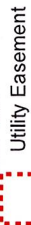
# City Planning

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1130 N 47th Ave

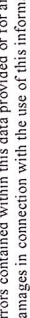
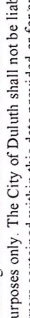
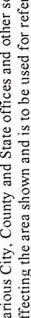
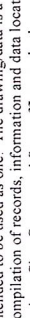
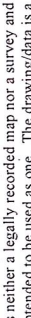
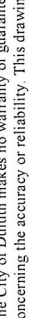
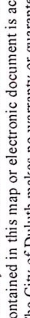
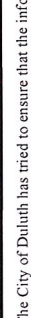
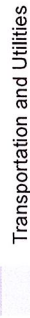
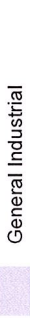
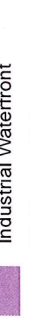
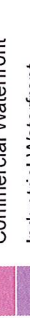
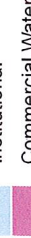
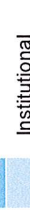
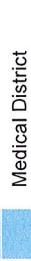
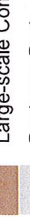
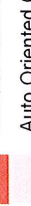
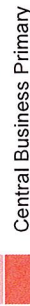
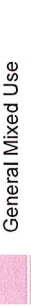
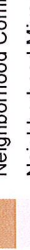
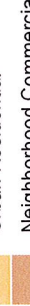
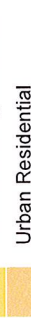
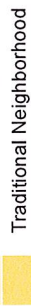
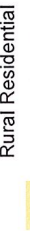
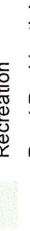
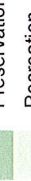
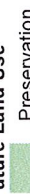
## Legend



### Easement Type



### Future Land Use



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Peabody St Alley

Traditional Neighborhood

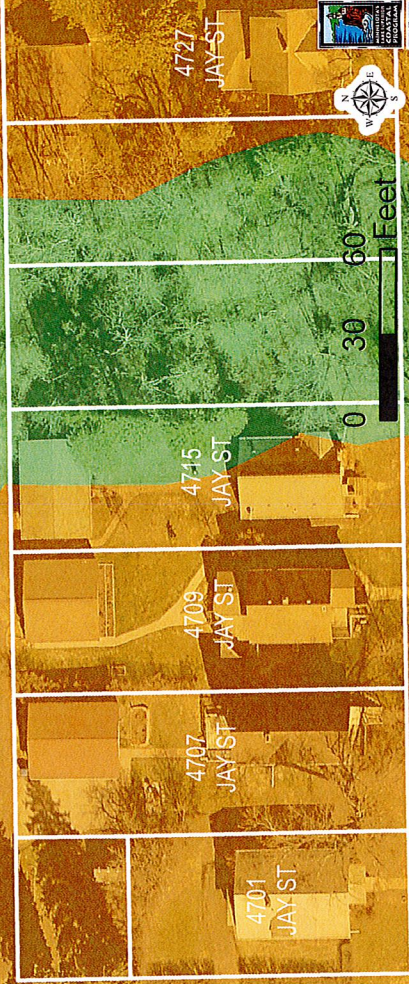
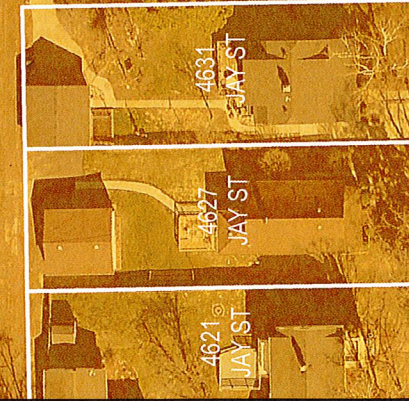


Dodge St

N 47th Ave E



Dodge St Alley



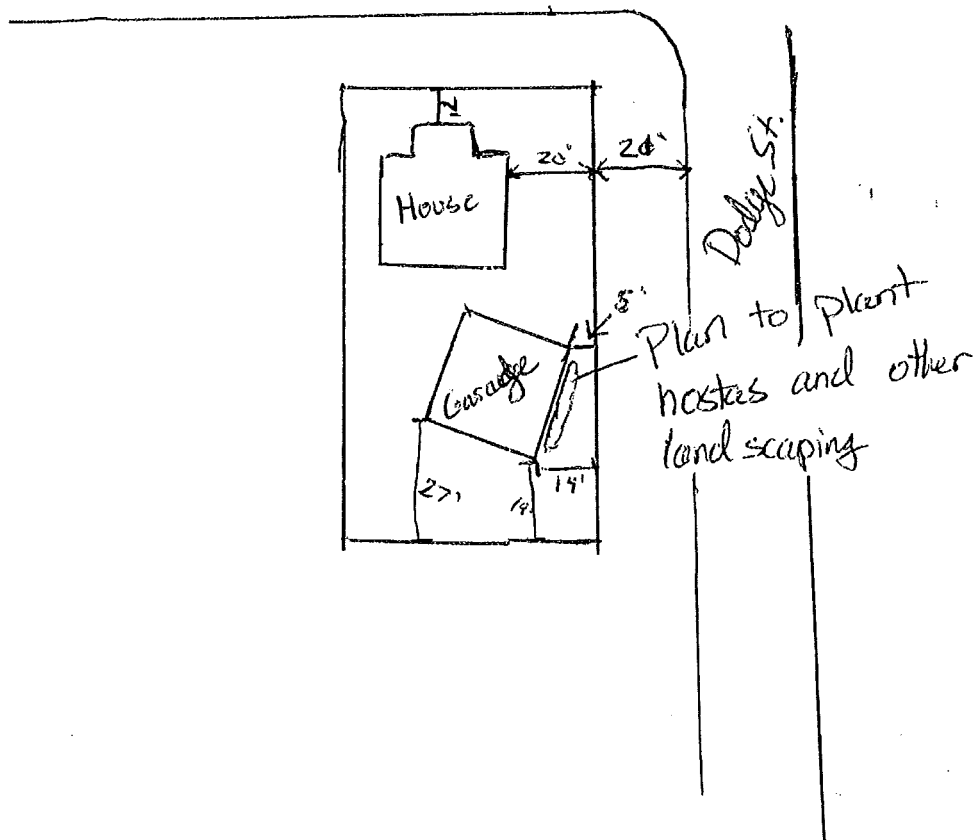
Aerial photography flown 2016

Prepared by: City of Duluth Planning Division, October 19, 2016. Source: City of Duluth.



Drawing to scale with  
use of City of Duluth  
Planning Division maps.

47<sup>th</sup> Ave E







City of Duluth  
Planning and Construction Services

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## Variance Application Supplemental Form

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and that is necessary for Planning Commission review.

**List the UDC Section you are seeking relief from** (example: "50-14.5 – front yard setback in an R-1"):

50-14.5 - side yard setback in an R-1

**Is the applicant proposing to use the property in a reasonable manner?**

☒ Yes ☐ No

Please explain the applicant's use of the property, and how the relief requested is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant:

Replacing caved in garage and would like to replace so vehicles can be parked in garage this winter

**Is the need for relief due to circumstances unique to this property?**

☒ Yes ☐ No

Please explain how these circumstances are due to exceptional narrowness, shallowness or shape of the applicant's property, or because of exceptional topographic or other conditions related to the property:

It is due to a side yard setback

**Will granting this variance alter the essential character of the area?**

Yes ☒ No

Explain how this property fits the character of the neighboring area, and how the special circumstances or conditions applying to the building or land in question are peculiar to such property or immediately adjoining property, and do not apply generally to other land or buildings in the vicinity:

It will not alter the area. Just replacing an old structure with a new one



Is this request consistent with the intent of the UDC and Comprehensive Plan? ☒ Yes ☐ No

Explain how the UDC and Comprehensive Plan support this request: replacing old damaged  
Structure with new which is good for the  
Neighborhood.

Explain how the special circumstances or conditions that create the need for relief were NOT directly or indirectly created by the action or inaction of the property owner or applicant:

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Will the variance impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety or public welfare of the inhabitants of the city? Yes

☒ No

Please explain: Just replacing old structure and will raise  
property value.

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Does the relief allow any type of sign that is not allowed in the zone district where the property is located? Yes ☒ No

Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M? ☒ Yes ☐ No

Discuss what subsections are applicable and how this request meets those: It could meet  
Standard M where you have a legal  
non-conformity for rebuilding the garage on the  
original footing.

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